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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

A. David Johnson <sup>250</sup>

Serial No.: 09/902,865

Filing Date: 7/10/01

For: Free Standing Shape Memory Alloy  
Thin Film And Method

Adjustment date: 07/29/2003 AKELLEY  
04730/2003 MBIZUNES 00000051 09902865  
01 FC:1252 -410.00 OP

Adjustment date: 07/29/2003 AKELLEY  
04730/2003 MBIZUNES 00000029 09902865  
01 FC:2251 -55.00 OP  
07729/2003 AKELLEY 00000014 09902856

01 FC:2251 55.00-OP  
02 FC:1252 410.00-OP

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in an  
envelope addressed to: Assistant Commissioner for Patents,  
Washington, D.C. 20231, on Jun 27, 2003

*R. E. Backus*

Richard E. Backus, Reg. No. 22,701

Signed:

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JUL 02 2003

OFFICE OF PETITIONS

Refund Ref:  
11/07/2003 EEKUBAY1 0000132080 *ME*  
CHECK Refund Total: \$55.00

PETITION TO REVIVE UNDER RULE 1.137(b)

A Notice of Abandonment dated 06/11/2003 states that the subject application became abandoned for failure to file a proper response to the Office Action mailed Oct. 3, 2002, which set a three month period for response. The abandonment date is Jan. 3, 2003 (i.e., the day after the expiration date of the period set for response). In the Notice the Examiner states that there appears to have been a genuine attempt to respond to the office action by the amendment filed Feb. 10, 2002, but that the amendment did not contain the required extension of time and was therefore untimely.

Applicant hereby petitions the Commissioner under 1.137(b) to revive the subject application. The elements required by 1.137(b) are satisfied as follows:

- 1) The required reply comprising an Amendment And Response To Office Action

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11/07/2003 EEKUBAY1 0000132081 *ME*

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CHECK Refund Total: \$410.00

07/01/2003 CCHAU1 00000005 09902865

01 FC:2453

650.00 OP

Adjustment date: 11/07/2003 EEKUBAY1  
07/29/2003 AKELLEY 00000014 09902856  
01 FC:2251 -55.00 OP  
02 FC:1252 -410.00 OP

was previously filed on Feb. 10, 2003. Subsequently, Applicant filed a Petition For Extension of Time with a \$55 extension fee, and the next day filed a Supplement to Petition For Extension with a \$410 extension fee for a total of \$465 in extension fees.

- 2) Our check #2013 in the amount of \$650 (small entity) for the petition fee under 1.17(m); and
- 3) The undersigned states on behalf of Applicant that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.

In view of the foregoing it is therefore respectfully submitted that the requisite showing for revival of the subject application has been met and the granting of this petition is solicited.

Respectfully submitted,

Date: Jun 27, 2003

*RE Back*

Richard E. Backus, Reg. 22,701

Attorney as defined in 37 C.F.R.

§10.1(c) who has actual or implied  
written or verbal power of attorney from  
applicant

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